

AN ACT

ENTITLED, An Act to revise the rule-making authority for group health plans.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

Section 1. That § 58-18-79 be amended to read as follows:

58-18-79. If any federal standards are in place which require additional steps to meet those standards beyond what is required by this chapter, the director may promulgate rules, pursuant to chapter 1-26, to require the offering of health insurance plans, the underwriting criteria that may be utilized for such health insurance plans, the type and scope of preexisting waiting periods and creditable coverage, the standards for nonrenewability of coverage, and other requirements related to the availability of health insurance to employers and their employees and dependents in this state in order to minimally meet the federal standards.

The director may also promulgate rules, pursuant to chapter 1-26, pertaining to employer health benefit plans in the areas of:

- (1) Definition of terms;
- (2) The issuance of certificates of coverage upon loss of health insurance coverage;
- (3) Determinations relative to the application of waiting periods;
- (4) Special enrollment periods;
- (5) Treatment of late enrollees;
- (6) Preexisting condition and other waiting periods;
- (7) Breaks in coverage;
- (8) Affiliation periods;
- (9) Nondiscrimination standards;
- (10) Notices;
- (11) Renewal rights;

- (12) Dates of enrollment;
- (13) Creditable coverages including methods of crediting coverage;
- (14) Risk spreading mechanisms;
- (15) Requirements pertaining to mental health benefit levels in employer group plans other than small employer group plans;
- (16) Continuation and conversion requirements; and
- (17) Claims, provided the rules are consistent with applicable federal requirements for claims procedures, administration, and enforcement, including 29 CFR Part 2560.

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I certify that the attached Act
originated in the

SENATE as Bill No. 23

Secretary of the Senate
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President of the Senate

Attest:

Secretary of the Senate

Speaker of the House

Attest:

Chief Clerk

Senate Bill No. 23

File No. _____

Chapter No. _____

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Received at this Executive Office
this _____ day of _____ ,

20____ at _____ M.

By _____
for the Governor
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The attached Act is hereby
approved this _____ day of
_____, A.D., 20____

Governor
=====

STATE OF SOUTH DAKOTA,
ss.
Office of the Secretary of State

Filed _____, 20____
at _____ o'clock __ M.

Secretary of State

By _____
Asst. Secretary of State